



Background Investigations

Page 1 of 7

Issued: November 5, 2008

Revised:

I. INTRODUCTION:

Mesa State College (MSC) intends to maintain a safe and productive educational and employment environment. Additionally, it is important to assure the integrity of financial processes, assets, and records. Therefore, prospective MSC employees and current MSC employees seeking transfer or promotional opportunities (collectively referred to as "Applicants") must consent to and pass a background investigation prior to any final appointment, hiring, transfer, or promotion relating to regular full-time, part-time and temporary non-student positions at MSC. Offers of appointment, employment, transfer, or promotion are contingent upon the Final Applicant passing the necessary background investigation(s). The type of background investigation varies by position and is intended to protect the students, employees, and assets of MSC.

At this time, MSC personnel employed or appointed prior to implementation of the initial Campus Background Check Procedure, will not be subject to retroactive background investigations except in the following circumstances:

1. When required by any state or federal law, regulation or rule;
2. When a current employee applies for and is to be hired into a transfer or promotional opportunity (as defined in Section VI, below) position;
3. When position responsibilities change to include security-sensitive responsibilities including, but not limited to, the following:
 - a. Access to master keys, electronic access to secured facilities or key access to secured facilities or residential rooms other than where the individual resides;
 - b. Entrustment of college vehicles when proof of a valid driver's license is a job requirement;
 - c. Students hired into supervisory, resident hall or teaching responsibilities involving unsupervised, direct contact with students;
 - d. Access to student/employee personally identifiable information;
 - e. Cash handling and/or authority over or access to large sums of money.
4. When employees are subject to motor vehicle driver history checks to insure that their licenses are current and/or without excessive violations;
5. When the appointing authority learns of a final conviction of a misdemeanor, felony or other offense of moral turpitude that adversely affects the ability to perform the job or has an adverse effect on the college if employment is continued;
6. When reasonable grounds exist to do so, e.g. workplace violence incident, receipt of reliable information calling into question employee's suitability for continued employment, or when required to do so pursuant to state or federal laws, rules, or regulations.
7. When required by Board of Trustees Rules, Administrative Policy Statements, or MSC Policy.

Nothing in this procedure shall be interpreted to limit MSC's right to conduct background checks on current employees when circumstances warrant.

II. REQUIRED BACKGROUND CHECKS

- A. **A Reference Check** from relevant listed references must be completed for all Final Applicants under consideration for regular full-time, part-time, temporary or student positions.
- B. **A Criminal History Record** must be obtained for:
 - 1. All non-student Final Applicants who are to be hired into a regular full-time or part-time position, unless the Final Applicant falls within the scope of paragraph II.E. below or is a former college employee and is being re-appointed or rehired to college employment with a break in service or appointment of not greater than one year, as long as reappointment or rehire is into a position that does not involve security sensitive responsibilities.
 - 2. All non-student Final Applicants who are to be hired into a temporary position. A background check will not be required if a Final Applicant for a temporary position has, within the past year, previously undergone a MSC background check.
 - 3. All non-student employees who are the Final Applicants for a transfer opportunity as defined herein.
 - 4. All non-student employees who are the Final Applicant for a promotional opportunity (including involuntary transfers), as defined herein.
 - 5. All student Final Applicants under consideration for positions that involve security sensitive responsibilities (see paragraph I.3. above). A background check will not be required if a current MSC student is a Final Applicant and has within the past three years previously undergone a MSC background check.
- C. **A Financial History Record** must be obtained for all Final Applicants under consideration for MSC positions that handle cash on a regular basis as a part of their job duties and responsibilities or who have authority over large expenditures or access to large sums of money.
- D. **A Motor Vehicle Record** must be obtained for Final Applicants to positions requiring proof of a valid driver's license.
- E. A background check will not be required if a current MSC employee is a Final Applicant for a non-security sensitive position and has, within the past three years, previously undergone a MSC background check. However, departments may choose, with Human Resources' approval, to require criminal history background checks as part of a departmental policy more frequently than every three years for Final Applicants and current employees who apply for promotional or transfer opportunities.
- F. A Final Applicant or employee who refuses to consent to any form of required background investigation, refuses to provide information necessary to conduct the background investigation, or who provides false, misleading, erroneous, or deceptive information in the application materials (vita, resume, etc), or in an interview will not be considered for the position for which s/he has applied.
- G. Any Final Applicant or employee, who has been hired, appointed, transferred or promoted and is subsequently found to have provided false, misleading, erroneous, or deceptive information in the

application materials (vita, resume, etc), or in an interview will be subject to disciplinary action, up to and including termination.

- H. Criminal, financial and/or motor vehicle history records that are obtained by the College for the purpose of conducting background checks shall in no way be used as a basis for illegal discrimination.

III. PROCEDURES

A. **Recruitment Notices:** MSC position descriptions and recruitment notices (job postings) must:

1. Provide notification that Final Applicants will be subject to a background check.
2. The following statement is required on all MSC job announcements for all regular full- time, part-time and temporary non-student positions, as well as those student positions identified in Section II.B.5. above, and must be mentioned in all recruitment efforts: *Mesa State College is committed to providing a safe and productive learning and living community. To achieve that goal, we conduct background investigations for all final applicants being considered for employment. Background investigations include reference checks, a criminal history record check, and when appropriate, a financial and/or motor vehicle history.* For purposes of print advertising, a condensed version of this statement may be used or applicants may be directed to the complete job announcement which includes the full statement on the departmental or college website. A condensed version that may be used is: *Mesa State College conducts background checks for all final applicants.*
3. Indicate, in addition to the criminal history and reference check, whether the background check will include a financial history check, motor vehicle record check, or any combination thereof.

B. **Roles and Responsibilities in Conducting Background Checks:**

1. **Appointing Authorities/Department Heads:** Appointing authorities are responsible for the following functions:
 - a. Initiating the background check process for each Final Applicant by:
 - i. Ensuring that search finalists report to the Department of Human Resources to complete the [Background Investigation Disclosure and Authorization form](#) and be provided with the "[A Summary of Your Rights under the Fair Credit Reporting Act](#)" publication.
 - A. For lecturers, or others who may be hired without a formal search, the appointing authority/department head must, prior to hire, provide the applicant's full name, date of birth, and social security number to Human Resources so that a criminal background check may be completed.
 - ii. Ensuring that employment reference checks are completed for the Final Applicant to a regular full-time, part-time, temporary or student position before notifying Human Resources that the applicant is ready for further background investigation.
 - iii. Submitting the Final Applicant's full name to Human Resources at lschmalz@mesastate.edu and bking@mesastate.edu so that a background investigation may be completed.

- b. Deciding whether to recommend hire of Final Applicants into regular full-time, part-time, temporary or non-student positions based on Human Resources review of the report of investigation and resulting recommendation.
 - c. Ensuring the appropriate background checks have been completed prior to new appointments.
2. **Human Resources:** Human Resources shall be responsible for the following functions:
- a. Securing contracts with third party vendors for provision of background check services for MSC.
 - b. Developing procedures for oversight and implementation of background check services for MSC.
 - c. Coordinating the receipt of background disclosure and authorization forms from Final Applicants or campus departments, coordinating with appointing authorities as needed to determine the appropriate scope of background checks, and requesting the appropriate background check(s) through the third party vendor or other sources.
 - d. Reviewing the report of investigation and recommending to the appointing authority whether to approve the hire of Final Applicants or employees into regular full-time, part-time, temporary or student positions.
 - i. If the criminal history background check reveals convictions, the nature of the offense(s), the time elapsed since the occurrence of the offense(s), the relevance of the offense(s) to the particular position, as well as other factors of relevance will be considered in determining the applicant's fitness for the position.
 - ii. The final decision regarding employment will be made by the hiring department, the responsible Vice President, the President and, in the event of a negative recommendation from Human Resources based on the background report, after advice of legal counsel.
 - e. Providing written notification to a Final Applicant or employee who may not be considered for a position, based on the results of a criminal history, financial history or motor vehicle history report.
 - i. This written notification must include a copy of the report and give the Final Applicant a specified time period in which to respond. Appeals must be in writing, addressed to the President or Vice President responsible for the hiring department, and received within five (5) business days of receipt of the decision notice.
 - f. If, after the specified time period has expired, the Final Applicant fails to respond, issuing a second letter informing the Final Applicant that s/he is no longer being considered for the position.
 - g. Reviewing any appeal submitted by a Final Applicant or employee challenging the accuracy of information contained in the report of investigation and providing the appeal material to the President or Vice President responsible for the hiring department.
 - i. The President or Vice President will issue a response to an appeal within ten (10) business days of the receipt of the appeal. This decision is the final decision within MSC.
 - h. Serving as the official source of record for background checks by maintaining copies of original background disclosure and authorization documents and reports of investigation completed in support of MSC background check processes.

3. **MSC Employees:** All MSC employees contacted on a need-to-know basis are responsible for ensuring the integrity and confidentiality of the background investigation process. Human Resources may discuss questionable or incomplete background investigation results with the appointing authority to ensure the intent of this procedure is met. Employees are required to maintain confidentiality of all information obtained during the background investigation process. Failure to maintain confidentiality will result in disciplinary action.

IV. CONTRACTORS

The following provision should be included in all contracts between MSC and temporary employment agencies that refer contract employees to MSC for job positions or contractors whose contract responsibilities involve physical presence of its employees or agents on College property or access to College data:

Contractor understands that concern for the safety and well-being of College students and staff is of particular importance to the College. Contractor expressly acknowledges that it is Contractor's duty to take reasonable precautions to protect the College's students and staff. The extent of such precautions will depend on the particular circumstances of the work to be performed. However, to the extent that work to be performed involves security-sensitive functions or security-sensitive areas (e.g. unsupervised access to minors or work involving access to security-sensitive data), such precautions may include, but are not limited to, conducting criminal history checks on employees or agents assigned to such work at the College.

V. VOLUNTEERS

Volunteers are expected to adhere to College policies, including but not limited to those policies concerning alcohol and drug use, vehicle use, student conduct, fiscal propriety, sexual harassment, diversity, and non-discrimination. Examples of situations for which a criminal history background check for volunteers is recommended include:

1. Volunteers providing housing for minor undergraduate students;
2. Unsupervised volunteers assisting with activities that include minors or at-risk adults;
3. Volunteers spending the night in a situation where minors are present;
4. Volunteers in child care facilities; and
5. Volunteers providing transportation for undergraduate students

If a volunteer meets one of the criteria listed above, the individual campus department should initiate the background check process through Human Resources. Information regarding the use of volunteers are available online at the Human Resources website. Specific questions regarding volunteers and background checks may be directed to the Department of Human Resources.

VI. DEFINITIONS

Applicants are current, former, or prospective employees who submit information to be considered for positions at MSC, including individuals not currently employed by MSC and current MSC employees seeking promotional or transfer opportunities to different positions.

Background Check means the process of gathering and reviewing criminal history records, financial history records, and/or motor vehicle records of the Final Applicant or employee seeking employment with the college in regular full-time, part-time or temporary positions, as well as student positions with specific job duties and responsibilities.

Conviction is generally defined as a verdict, a guilty plea or a Nolo Contendere (No Contest”) plea.

Criminal History Record means a written record or information furnished by a criminal justice agency or third party vendor in the business of obtaining and providing criminal history records relating to an individual’s criminal convictions. A criminal history record does not include an individual’s conviction records that have been sealed by court order. Criminal records include in-state, out-of-state and international criminal history, including misdemeanor and felony convictions.

Criminal History Background Check means the process of gathering and reviewing criminal history records of Final Applicants seeking employment with the college in regular full-time, part-time or temporary positions, as well as student applicants seeking employment in security sensitive positions.

Final Applicant means a current, former, or prospective employee recommended for hire, transfer or promotion and for whom a background check will be conducted.

Financial History Record means a written record or information furnished by any court of civil law, credit reporting agency (credit report), or a third party vendor in the business of obtaining and providing credit reports for the purpose of evaluating Final Applicants for employment.

Financial History Background Check means the process of gathering and reviewing financial history records of Final Applicants seeking employment with the college in regular full-time, part-time or temporary positions, as well as student positions with specific job duties and responsibilities.

Motor Vehicle Record (Driver’s License Records) includes motor vehicle records from any state where the Final Applicant has resided within the past seven years.

Promotional Opportunities are job advancement, title enhancement and/or pay increase actions or processes open to current MSC employees and which involve increased and/or different job duties and responsibilities.

1. For classified staff positions, a promotional opportunity occurs when the employee is appointed to a class with a higher pay grade maximum than his/her current or previous position.
2. For professional exempt positions, a promotional opportunity occurs when the professional exempt employee accepts a higher-level job title or is promoted within a job title to another department at the same or higher salary.
3. For faculty positions, a promotional opportunity occurs when the faculty member accepts a position with increased and/or different position responsibilities (e.g. Professor to Department Head).
4. For the purpose of this policy, promotional opportunities do not include promotions that are built into a current position, e.g., academic progression from assistant professor to associate professor or entry-level classified staff positions that normally progress to the next classification level as an Intern-to-Target position movement. Background investigations are not required in such cases.

Reference Check means the process of contacting individuals directly or through a third party vendor, including current and former employers, companies, and educational institutions that may reasonably be relied upon to provide relevant information regarding a Final Applicant's fitness for college employment.

Regular Full-time or Part-time Position means a faculty, instructor, lecturer, officer, and exempt professional or classified staff position of an ongoing nature and with continuing funding.

Security-sensitive Position includes positions which include responsibilities as outlined under Section I.3. of this policy.

Temporary Position could be a faculty, officer, exempt professional or classified staff position of a short-term nature (e.g. six months, semester, academic year, etc.) that generally does not have continuing funding.

Transfer Opportunity refers to a lateral movement in the same job class title and with the same or similar job responsibilities. A transfer typically involves moving to a position in a different campus department and/or with a different supervising authority.

College Officers at MSC include the president, vice presidents, directors, or any other officer as defined by Section 4.18 of the Board of Trustees of Mesa State College Trustees Policy Manual.

VII. INTERPRETATION:

The Department of Human Resources shall interpret and maintain this procedure.



BACKGROUND INVESTIGATION DISCLOSURE AND AUTHORIZATION

In connection with my application for employment or continued employment with Mesa State College ("College"), I understand that the College may request Consumer Reports and/or Investigative Consumer Reports ("Reports") from a consumer reporting agency. The College will consider the information confidential and will use any such Reports solely for employment-related purposes. A copy of the employee's Report(s) obtained through this investigation process will be provided to the employee upon request.

Reports will be obtained from HireRight, Inc., ("HireRight") located at 2100 Main Street, Suite 400, Irvine, CA 92614 (or from other such agent as the College determines). HireRight can be contacted at 800-400-2761.

Examples of the types of Reports obtained are: social security number verification, criminal records checks, public court records checks, public agency records educational records, credit reports, verification of employment positions held, personal and professional references, licensing, and certifications. Such information may be obtained by HireRight from private or public record sources, employers, educational institutions, organizations, and individuals.

I acknowledge that the College has provided me a copy of the "Summary of Your Rights Under the Fair Credit Reporting Act" prepared pursuant to 15 U.S.C. section 1681(g)(c). I understand that I have the right to request additional information about the nature and scope of the background investigation and resulting Reports by submitting a written request to Mesa State College Human Resources Office, 1100 North Avenue, Grand Junction, Colorado 81501.

If I am a resident of California, Maine, or New York, I acknowledge that I have read the applicable state law disclosure information at the end of this form.

By my signature below, I expressly authorize the College and HireRight to perform a background investigation on me and release to the College the resulting Reports in conjunction with my application for employment. I further understand that any and all information contained in my application submittals or otherwise disclosed to the College by me may be utilized for the purpose of obtaining the Reports requested by the College. I understand and agree that if the College offers me employment, it may request a consumer report and/or an investigative consumer report about me for employment-related purposes during the course of my employment. I understand that my authorization for and consent to this background investigation will be valid for one hundred eighty (180) days after the date of my signature below.

To facilitate the College's background investigation, I hereby authorize, request and require any persons, government agencies, educational institutions, corporations, or any other public or private entity contacted by the College, HireRight, or their agents to disclose and release to HireRight and the College any information and records they have regarding my employment history, educational records, credit history and standing, motor vehicle history and standing, and criminal history.

I understand and agree that a facsimile (FAX) or photographic copy of this authorization will be as valid as the original. I understand that any offer of employment I may receive is contingent upon the successful completion of the College's background investigation. I further understand that any false or incomplete information provided on this form, in my employment application or supporting materials may be cause for rejection of my application or termination of employment.

I understand that to facilitate the proper identification of my file or records, my disclosure of the personal information requested on following pages is necessary.

Applicant Last Name First Middle

Previous Names or Aliases:

Social Security # Date of Birth (for ID purposes only*)

Drivers License # and State of Issue Phone Number

Present Street Address

City/State/Zip (country if other than U.S.)

(*Federal Law prohibits discrimination against persons age 40 and over. Date of birth is used for verification purposes only and is not released to the hiring official or search committee prior to an individual's acceptance of employment.)

Prior residential addresses within past seven (7) seven years: (Attach additional page, as necessary.)

1) to
 Address City State Zip Dates of Residence

2) to
 Address City State Zip Dates of Residence

EMPLOYMENT Start with your present or last job. Include job-related military service assignments and volunteer activities. Please include information for past seven years. (Attach additional sheets if necessary.)

NAME AND ADDRESS OF EMPLOYER	DATES	JOB TITLE:
<input type="text"/>	From: <input type="text"/>	<input type="text"/>
<input type="text"/>		SUPERVISOR: <input type="text"/>
Telephone: <input type="text"/>	To: <input type="text"/>	REASON FOR LEAVING: <input type="text"/>

NAME AND ADDRESS OF EMPLOYER	DATES	JOB TITLE:
<input type="text"/>	From: <input type="text"/>	<input type="text"/>
<input type="text"/>		SUPERVISOR: <input type="text"/>
Telephone: <input type="text"/>	To: <input type="text"/>	REASON FOR LEAVING: <input type="text"/>

GENERAL INFORMATION

1. Have you ever been discharged or asked to resign from any position? Yes No
(If "yes", give detailed explanation below.)

2a. Have you ever been convicted of, entered a plea of guilty or no contest, or received a deferred prosecution or judgment for a felony or misdemeanor? Yes No

(You may omit any offense committed which was finally adjudicated in a juvenile court or under a Youth Offender law, or for which records have been officially sealed.)

2b. Do you have any current or pending criminal charges? Yes No

2c. While in the military service, were you ever convicted by a general court martial? Yes No N.A.

If "yes" to 2a, 2b, or 2c, give details below. If more room is needed please submit on separate sheet of paper.

NOTE: A conviction will not automatically exclude you from employment consideration.

Date	Charge	Place	Court	Action Taken

- Check this box if you would like a copy of the background e-mailed to you. Provide an e-mail address.
- I have read the Background Disclosure and Authorization form and understand my rights.
- I have been provided a copy of "A Summary of Your Rights under the Fair Credit Reporting Act."

Applicant Signature _____

Date _____

E-mail address _____

Additional State Law Notices

California: Under section 1786.22 of the California Civil Code, you may view the file maintained on you by HireRight. You may also obtain a copy of this file, upon submitting proper identification and paying the costs of duplication services, by appearing at HireRight's offices in person, during normal business hours and on reasonable notice, or by mail; you may also receive a summary of the file by telephone. HireRight has trained personnel available to explain your file to you, including any coded information. If you appear in person, you may be accompanied by one other person, provided that person furnishes proper identification.

Maine: You have the right upon request, to be informed of whether an investigative consumer report was requested, and if one was requested, the name and address of the consumer reporting agency furnishing the report. You may request and receive from the College, within five business days of our receipt of your request, the name, address and telephone number of the nearest unit designated to handle inquiries for the consumer reporting agency issuing an investigative consumer report concerning you. You also have the right, under Maine law, to request and promptly receive from all such consumer reporting agencies copies of any such investigative consumer reports.

New York: You have the right, upon written request, to be informed of whether or not a consumer report was requested. If a consumer report is requested, you will be provided with the name and address of the consumer reporting agency furnishing the report.